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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,639	03/30/2001	Brian A. Ruestow	814.000427	7638

7590

01/15/2003

Hodgson Russ LLP  
Intellectual Property Law Group  
One M & T Plaza Suite 2000  
Buffalo, NY 14203-2391

EXAMINER

NGUYEN, DAVID T

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

# Office Action Summary

Application No.

09/822,639

Applicant(s)

RUESTOW, BRIAN A.

Examiner

David Nguyen

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) 3-8 and 25-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, and 2 is/are rejected.
- 7) ☐ Claim(s) \_ is/are objected to.
- 8) ☒ Claim(s) 3-8 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 3-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

During a telephone conversation with GEORGE L. SNYDER, JR. on 01-03-03 a provisional sub-species election was made:

- a. Sub-species I: figure 6A.
- b. Sub-species II: figure 6B.
- c. Sub-species III: figure 6C.
- d. Sub-species IV: figure 6D.
- e. Sub-species V: figure 6E.
- f. Sub-species VI: figure 6F.

The sub-species I, claims corresponding to figure 6A. Claims 1-2 are readable on elected sub species I.

Claims 25-27 are indicated as being generic by the applicant, however, claims 25-27 are not readable on the elected species I, because as shown in figure 9, the teeth are the sharp teeth, not rounded teeth, therefore only claims 1-2 are present for examination.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3723

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver, patent # 5453041.

Referring to claim 1, Oliver discloses a sharpening burr comprising: a cylindrical body having outer surface, a plurality of teeth formed on outer surface (figure 15), each of the plurality of teeth having a pair of opposite sides connected by rounded tip portion (figure 7).

Referring to claim 2, each of pair of opposite sides is linear in profile (figure 7).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

F. E. Riley discloses an automatic grindstone dresser.

E. F. Millard discloses a method of dressing wood pulp grinding stones.

Aario discloses a blocking slab for pulp grinder.

Perry discloses an automatic pulp grinder control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Nguyen whose telephone number is 703-305-5712. The examiner can normally be reached on 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 308-2687. The fax phone numbers for the

Application/Control Number: 09/822,639

Page 4

Art Unit: 3723

organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0000.

dtm

January 3, 2003



Joseph J. Hail, III  
Supervisory Patent Examiner  
Technology Center 3700